



Attorney Docket 023484-0152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masamichi IMAMURA
Title: BRAKE PRESSURE ESTIMATING APPARATUS AND METHOD
Appl. No.: 10/651,096
Filing Date: 08/29/2003
Examiner: R. Siconolfi
Art Unit: 3683

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed after the mailing date of a Final Office Action under 37 C.F.R. § 1.113. Therefore a statement and fee are required.

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STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

RELEVANCE OF EACH DOCUMENT

Documents C1-C3 were cited in an office action in a corresponding German application. Documents C1-C3 are in German.

The relevance of documents C1-C3 is based on the following partial translation of the German office action.

The numbers of the following references are cited in this Office Action for the first time and will be used consecutively throughout the examination proceedings:

1. WO 00/38966 A1
2. DE 198 33 242 A1
3. DE 195 15 060 A1

Examination is based on claims 1 to 14, which were submitted on the date of filing.

1. The applicant submitted one-part claims 1 and 14. In this respect, reference should be made to the fact that a patent specification should provide information not only on the invention but also on the prior art ascertained. In a two-part claim, this is easily possible due to the division into generic clause and characterizing clause. In the case of a one-part claim, however, the reader is not able to discern which of the features specified in the claim are already part of the prior art. He has to rely exclusively on the information disclosed in the introduction to the specification. In the present case, an unequivocal association of known features and unknown features with respect to the prior art cannot be seen. In particular, the introduction to the specification also fails to indicate sources for the prior art. The Examiner cannot consent to the claimed invention, not least in view of the fact that the prior art has not been sufficiently taken into account.

2. With regard to the prior art, references 1 to 3 have been ascertained. The Examiner gathers from the partly convoluted wordings of claims 1 and 4 that, in a brake system for an automotive vehicle, the brake pressure in the master cylinder (pre-pressure) as well as the respective brake pressures in the wheel cylinders are to be estimated.

It can, however, not be gathered from the parallel claims 1 and 14 in which technically reproducible manner this is supposed to be accomplished in detail. What can be discerned is that a respective model is to be used. In this respect, the applicant's attention is drawn to references 1 to 3 for the time being.

Reference 1 discloses a method and a device for determining a wheel brake pressure and/or a pre-pressure. For this purpose, a pressure variable representative of the pre-pressure is estimated, at least one operating state of at least one actuating member in the brake system is detected, and the wheel brake pressure is estimated according to the estimated pre-pressure and the operating states detected. Said reference discloses various possibilities of determining the pre-pressure, and various model-supported methods for determining the wheel brake pressures are disclosed as well.

Reference 2 discloses another method for estimating the master cylinder pressure. For this purpose, a wheel moment is first calculated from the wheel speed signals and the vehicle speed, whereupon also the pressure in the master cylinder can be estimated in a further step.

Reference 3 discloses a further method for determining the brake pressure in the wheel brakes of an automotive vehicle; in said reference 3, an evaluation unit is provided, which, on the basis of the amount of pressure medium taken up and discharged by the wheel brakes, determines the reaction of the vehicle and compares it with the actual values.

3. The subclaims depend on claim 1. In view of the fact that said claim 1 is not allowable, the subclaims cannot be allowed, not least for formal reasons. In addition, said subclaims apparently contain simple embodiments, the essential features of which can already be gathered from the references. It cannot be seen that these embodiments could be considered to be of independent, inventive importance.

Under the circumstances described hereinbefore, grant of a patent cannot be expected on the basis of the documents presently on file.

If the applicant intends to prosecute the application, reformulated claims will have to be submitted and the references will have to be discussed.

Applicant's statements regarding the German office action are based on a translation that applicant's representative obtained. These statements should in no way be considered as an agreement by applicant with, or an admission of, what is asserted in the German office action.

English language translations or English language counterparts of documents C1-C3 are not available; however, English language abstracts are provided herewith for documents

C1-C3. The absence of translations or English language counterpart documents does not relieve the PTO from its duty to consider the submitted documents (37 CFR §1.98 and M.P.E.P. § 609).

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form SB/08 be returned in accordance with MPEP §609.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

Respectfully submitted,

Date August 3, 2005

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/651,096
Date Submitted: August 3, 2005		Filing Date	08/29/2003
(use as many sheets as necessary)		First Named Inventor	Masamichi IMAMURA
		Group Art Unit	3683
		Examiner Name	R. Siconolfi
		Attorney Docket Number	023484-0152

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	C1	WO	00/38966		LOHNER et al.	07/06/2000		
	C2	DE	198 33 242	A1	KAWAI	02/18/1999		
	C3	DE	195 15 060	A1	ECKERT et al.	05/30/1996		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.